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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,754

Applicant(s)

BELLAICHE ET AL.

Examiner

JEAN B. FLEURANTIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 61 and 63-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 70 is/are rejected.
- 7) ☒ Claim(s) 61, 63-69 & 71-90 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/06/2008 has been entered.

The following is the current status of claims:

Claims 1-60 and 62 have been canceled.

Claims 61 and 63-90 remain pending for examination.

Specification Objections

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The claimed "computer readable medium" as recite in all the pending claims.

Further, see MPEP § 2111.01 and § 2173.05(a).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 61 and 63-90 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As set forth in MPEP 2106:

As per independent claim 61

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The independent claim 61 is directed to a computer readable "medium", in which a code of a software platform for referencing websites on the internet indexed by research tools. The claimed steps are not being performed by any form of computer hardware component. Therefore, the mechanism for direct submission of all the data formatted in XML language to be read by the spider of each search tool involved, so as to permit the faithful indexation of all the data contained in the document to be published in the list of the search results as the purpose of the invention. The claimed, "medium" fails to fall with one of four statutory categories of invention, process, machine, manufacture and composition, and is software per se.

Moreover, applicant specification, describes "medium" as a programs, paragraph 00201, lines 1-2, which can also take the form of database is a neutral medium that facilitates communication among isolated programs, in paragraph 00201, lines 2-3.

The dependent claims are rejected under the same rational.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 61, 63-66, 80, 82 & 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al., (EP 1 158 439) in view of Thieme, (US Pub No. 2003/0046389).

Claim 61, Battilega discloses granting a client managing a referenced website access to a database by a client interface through Battilega et al's interface whereby the referenced consultant website such that the client/customer may utilize said consulting capabilities (figures 1-6, paragraphs [0029]-[0030] and [0018]-[0023]); granting access to a consultant responsible for the referencing of a website to said database by a consultant interface through Battilega et al's project collaboration environment whereby the consultant can access the common centralized database and confer with the

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client customer thereby (figure 2, paragraphs [0028] and [0029]); and providing distinct data to said client or said consultant according to the interface used for accessing said database via Battilega et al's plurality of distinct interfaces such that the client/customer may access the enter necessary data and access pertinent consultation data and further such that the consultant may refer to the common database while conferring with the client/customer (figures 1-6, paragraphs [0029]-[0030] and [0018]-[0023]).

Battilega fails to explicitly disclose a visibility module comprising instructions for analyzing the visibility of a website in the Internet to provide a visibility data, wherein the visibility of said website is the rate of appearance or classification of said website in a list of results proposed by a search tool in response to a keyword. However, Thieme discloses instructions for analyzing the visibility of a website in the Internet to provide a visibility data, wherein the visibility of said website is the rate of appearance or classification of said website in a list of results proposed by a search tool in response to a keyword (see Thieme para [0058]). It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the system of Battilega by analyzing the visibility of a website in the Internet to provide a visibility data, wherein the visibility of said website is the rate of appearance or classification of said website in a list of results proposed by a search tool in response to a keyword as disclosed by Thieme (see Thieme para, particularly lines 7-15). Such a modification would allow the system of Battilega to provide multiple users to easily access and review current and historical reports (see para [0057], lines 5-6), therefore, improving the performance of the software type platform dedicated to internet site referencing.

Claim 63, in addition to claim 61, Battilega fails to explicitly disclose a list of selected search tools and a particular URL. However, Thieme a list of selected search tools and a particular URL (see Thieme para [0017 & 0024]). It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the system of Battilega by selecting search tools and a particular URL as disclosed by Thieme (see Thieme para [0026]). Such a modification would allow the system of Battilega to provide

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multiple users to easily access and review current and historical reports (see para [0057], lines 5-6), therefore, improving the performance of the software type platform dedicated to internet site referencing.

Claim 64, in addition to claim 61, said consultant via said consultant interface by way of Battilega et al's standardized format such that the centralized data may be readily accessible by both the client and the consultant (para [0030]).

Claim 65, in addition to claim 61, transmitting said images and commentaries to said client via said client interface by way of Battilega et al's project collaboration service interfaces and the ability to generate reports which allows the consultant to provide image and commentary with respect to the data to be analyzed (paragraph [0026]-[0030]).

Claim 66, in addition to claim 61, instructions for modifying the presentation of said list of results via said client interface and selecting said keyword from one of the following an exact expression or parts of said expression by way of Battilega et al's project collaboration service interfaces and the ability to generate reports which allows the consultant to provide image and commentary with respect to the data to be analyzed (paragraph [0026]-[0030]).

For claim 80, note how the project collaboration interface provides through its project collaboration environment the functionality such that the client may monitor (draft reports, evaluations, et al) and confer with respect to the project and the predetermined plan for implementation thereof (figure 2, paragraphs [0028 and 0029]).

For claim 82, note how the project collaboration interface provides through its project collaboration environment the functionality such that the client and consultant may access and update

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objects posted such as information, draft reports, evaluations, etc so as to confer with respect to the project (figure 2, paragraphs [0028 and 0029]).

For claim 83, note how the project collaboration interface provides through its project collaboration environment the functionality such that the client and consultant may access various services and information by way of the collaboration tools, including the central repository (figure 2, paragraphs [0028 and 0029]).

Claims 67-69, 71-75, 77-79, 81 and 84-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al., (EP 1 158 439) in view of Thieme, (US Pub No. 2003/0046389), and further in view of Lambert, (US Pub. No. 2002/0038350).

Claim 67 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Lambert et al as *applied to claim 61 above*, and further Lambert et al shows a ranking sub module for selecting data relative to the classification of a URL in regard to a plurality of search engines by way of the monitoring of the website so as to provide visibility data, wherein the visibility of said website is the rate of appearance (ranking) or classification of said website in a list of results proposed by a search tool in response to a key word (Figure 1, Abstract, paragraphs [0105], [0120] –[0127] and [0003]-[0010]); an evolution sub module for filtering raw data to provide data relating to the evolution of the visibility of a website according to different periods of time so as to identify variations of visibility by way of the visibility monitoring and media-mix analysis whereby the visibility and a plurality of other factors are monitored over time (Figure 1, Abstract, paragraphs [0105], [0120] –[0127] and [0003]-[0010]); a competitors sub module for submitting, at said client's request, visibility studies relating to websites competing with said client's website by way of the monitoring of the website so as to provide visibility data, wherein the visibility of said website is the rate of appearance (ranking) or classification of said website in a list of results proposed by a search tool in response to a key word, that functionality being operable to scrutinize a whole host of websites, including a competitors visibility (an intended use) (Figure 1, Abstract, paragraphs [0105], [0120] –[0127] and [0003]-[0010]); a guarantee sub module for filtering said raw data

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relating to said client in order to provide data relating to the nature of the service requested by said client through media-mix analysis whereby the visibility and a plurality of other factors are monitored over time (Figure 1, Abstract, paragraphs [0105], [0120] –[0127] and [0003]–[0010]). Further, this examiner maintains the unchallenged notice with respect to that the fact that it would have been obvious to one of ordinary skill in the art to add a help module, as is provided with nearly every program. This additional operability would provide Battilega et al to provide a consultation environment whereby the structure and marketing of the website might be evaluated and improved with respect to the several rubrics measured. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert and a help function where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and that structure was such that it required skill and versatility to be used optimally. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 68 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme and Lambert et al as applied to claim 62 above, and further Lambert et al shows where said code further comprises instructions for referencing a website by storing said website in a database of a search tool by way of Lambert et al's use of spiders for referencing which inherently cache the indexed web page within the search engine's repository (abstract, paragraph [0011] and [0047]–[0049]). Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

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Claim 69 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme and Lambert et al as applied to claim 68 above, and further Lambert et al shows where said code further comprises instructions for reading HTML coded content of said website of said client, translating said HTML coded content into a XML document and storing said XML document in said database of said search tool by way of Lambert et al's dynamic page generating whereby HTML coded content may likewise be generated in XML such that it may be indexed and stored in a search tool by a spider (paragraph [0137]-[0148]) and [0030]). This additional operability would provide Battilega et al a consultation environment whereby the structure and marketing of the website might be directly implemented with respect to the page generation. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 71 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme and Lambert et al as applied to claim 70 above, and further Lambert et al shows where said code further comprises instructions for generating and inserting a TAG into said XML document to permit counting access to said website by said search tool by way of Lambert et al's detection of the accesses of the webpage with respect to the spiders such that those visits might be analyzed in the media-mix analysis, etc (abstract, paragraph [0014] and [0120] –[0127]). This additional operability would provide Battilega et al a consultation environment whereby the structure and marketing of the website might be directly implemented with respect to the page generation. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and such that said

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consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 72 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme and Lambert et al as applied to claim 71 above, and further Lambert et al shows where said code further comprises instruction for displaying the number of accesses detected by said TAG in real time by said client interface, and consulting an index of principal terms employed in accessing said website by way of Lambert et al's detection of the accesses of the webpage with respect to the spiders such that those visits might be analyzed in the media-mix analysis, etc (abstract, paragraph [0014] and [0120] –[0127]). This additional operability would provide Battilega et al a consultation environment wherein an additional report (which could be from real time data) with respect to the tag data could be viewed through by the client through the consultation interface. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 73 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme and Lambert et al as applied to claim 72 above, and further Lambert et al shows where said code further comprises instructions for selecting a period of time to which said lists of results relate in terms of access by way of Lambert et al's detection of the accesses of the webpage with respect to the spiders such that those visits might be analyzed in the media-mix analysis, etc such that the access with respect to the page might be analyzed and measured (abstract, paragraph [0014] and [0120] –[0127]). This additional

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operability would provide Battilega et al a consultation environment wherein an additional report (which could be from real time data) with respect to the tag data could be viewed through by the client through the consultation interface. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 74 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme and Lambert et al as applied to claim 73 above, and in further view of RFC 2109. Although Battilega et al does not show where said code further comprises instructions for accessing a set of analyses relating to consultations or visits to said website, wherein said set of analyses include at least one of the following: number of visits in one day, the number of new visitors, and the duration of the visits, Lambert et al does show the tracking of the number of visits in one day and the number of new visitors by way of Lambert et al's detection of the accesses of the webpage over a given interval (including one day) with respect to the spiders or humans such that those visits might be analyzed in the media-mix analysis, etc such that the access with respect to the page might be analyzed and measured (abstract, paragraph [0014] and [0120]–[0127]). Further, RFC 2109 shows where durations of visits are measured by way of the concept of viewing the user's time on the website as a stateful session (section 3). This additional operability would provide Battilega et al a consultation environment wherein an additional report with respect to visitor information could be rendered for the client. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert and the cookies of RFC 2109 where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and

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such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 75 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme Lambert et al and RFC 2109 as applied to claim 74 above, and further Lambert et al shows where said code further comprises instructions for consulting a list of the search engines involved, the number of visits generated by each search engine, and the list of the key words considered by said client via said client interface by way of the analysis and visibility element of Lambert et al wherein the source of the visits and the keywords associated with search engine are evaluated such that the effectiveness of the structure and marketing of the page might be appraised (abstract, paragraph [0120] –[0127] and [0003]-[0014]). This additional operability would provide Battilega et al a consultation environment wherein an additional report with respect to visitor information could be rendered for the client. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert and the cookies of RFC 2109 where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 77 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme Lambert et al and RFC 2109 as applied to claim 74 above, and further Lambert et al shows where said code further comprises instructions for analyzing languages used in said consultations of said website by way of the analysis of Lambert et al wherein the keywords/language associated with search engine are evaluated such that the effectiveness of the structure and marketing of the page might be appraised

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(abstract, paragraph [0120]–[0127] and [0003]–[0014]). This additional operability would provide Battilega et al a consultation environment wherein an additional report with respect to visitor information could be rendered for the client. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert and the cookies of RFC 2109 where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 78 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme Lambert et al and RFC 2109 as applied to claim 74 above, and in further light of Kurniawan. Kurniawan shows said code further comprises instructions for consulting technical information relating to browsers or navigators used by Internet users to visit said website by said client via said client interface, thereby enabling said client to improve or adapt said website to said browsers or navigators through Kurniawan's detection of the browser of the user such that the particular mechanics with relation to that browser can be utilized (page 1 and 2). This additional operability would provide Battilega et al a consultation environment wherein the consultation with respect to the client might access the webpage under consideration and see what web browsers it is compatible with. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert, the cookies of RFC 2109 and the browser detection of Kurniawan where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

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Claim 79 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme and Lambert et al as applied to claim 74 above, and in further view of RFC 2109. RFC 2109 shows where said code further comprises instructions for identifying an Internet user accessing said website in real time including at least one of the following identifying information: a host from which said Internet user is accessing said website, a page viewed by said Internet user, duration of said Internet user's access to said website, and items or products accessed by said Internet user by way of the concept of viewing the user's time on the website as a stateful session (section 3). This additional operability would provide Battilega et al a consultation environment wherein an additional report with respect to visitor information could be rendered for the client. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert and the cookies of RFC 2109 where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 81 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme and Lambert et al. As discussed above, the limitations of claim 80 are taught by Battilega et al. Nonetheless, Battilega et al does not teach where said code further comprises instructions for offering at least one of the following services to said client via said client interface: consultation of information concerning said client's website, and consultation of referencing and positioning information relative to a competitor's website; consultation of strategic orientations decided jointly by said client and said consultant; consultation of title and description of said client's website made by said consultant, appearing in search tools or engines and pertinent keywords by which said client's website can be referenced; transmission of pages optimized for said client's website by said consultant to said client; and submission to said client's website by each search tool or engine via submission windows as Lambert does. Lambert

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shows where said code further comprises instructions for offering at least one of the following services to said client via said client interface: consultation of information concerning said client's website, and consultation of referencing and positioning information relative to a competitor's website; consultation of strategic orientations decided jointly by said client and said consultant; consultation of title and description of said client's website made by said consultant, appearing in search tools or engines and pertinent keywords by which said client's website can be referenced; transmission of pages optimized for said client's website by said consultant to said client; and submission to said client's website by each search tool or engine via submission windows through consultation provided by the visibility/reporting module for analyzing the visibility of a website in the internet so as to provide visibility data, wherein the visibility of said website is the rate of appearance or classification of said website in a list of results proposed by a search tool in response to a key word (Figure 1, Abstract, paragraphs [0105], [0120] –[0127] and [0003]-[0010]). This visibility module providing the platform of Battilega et al with the functionality to determine whether the structure and marketing of the webpage are such that the webpage is being returned in search tools. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claims 84 and 85 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme and Lambert et al. As discussed above, the limitations of claim 82 are taught by Battilega et al. Nonetheless, Battilega et al does not teach where said code further comprises instructions for controlling access to a plurality of websites managed by an operator by said consultant based on same restrictions and terms imposed on said operator in accessing said plurality of websites as Lambert does and wherein said code further comprises instructions for providing statistical results on each website in said plurality of

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websites to said operator and a respective client of said each website, and distribution statistics of products offered on said each website to said operator.

Lambert shows where said code further comprises instructions for controlling access to a plurality of websites managed by an operator by said consultant based on same restrictions and terms imposed on said operator in accessing said plurality of website through the redirection process such that there are restrictions with respect to users and spiders such that the appropriate website are presented for the current visitor ([0151]-[0175] and [0003]-[0010]). This control over access providing the platform of Battilega et al with the functionality for the consultant and client to directly implement stratagems with respect to access to the various relevant websites. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 86 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme and Lambert et al as applied to claim 81 above, and further Lambert shows where said code further comprises instructions for generating, modifying and eliminating users of said software platform and records kept by said consultant by an administrator via an administrator interface through the redirection process such that there are restrictions with respect to users and spiders such that the appropriate website are presented for the current visitor; further, the administrator can create user/passwords such that users can be specific targeted and allowed ([0151]-[0175] and [0003]-[0010]). This control over access providing the platform of Battilega et al with the functionality for the consultant and client to directly implement stratagems with respect to access to the various relevant websites. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search

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result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 87 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme and Lambert et al as applied to claim 81 above, and further Lambert shows where said code further comprises instructions for providing one or more commentaries representing said consultant's reflection based on said visibility data, said one or more commentaries being determined by comparing said visibility data with visibility data stored in said database and associated with a commentary through consultation provided by the media-mix analysis and the visibility/reporting module for analyzing the visibility of a website in the internet so as to provide visibility data, wherein the visibility of said website is the rate of appearance or classification of said website in a list of results proposed by a search tool in response to a key word (Figure 1, Abstract, paragraphs [0105], [0120] –[0127] and [0003]-[0010]). This visibility module providing the platform of Battilega et al with the functionality to determine whether the structure and marketing of the webpage are such that the webpage is being returned in search tools. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 88 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al Thieme and Lambert et al as applied to claim 81 above, and further Lambert shows where said code further comprises instructions for generating pages of said software platform accessible to said client through Lambert et al's technique such that the pages may be generated in any plurality of formats for access by the client and visitors (Figure 1, Abstract, paragraphs [0105], [0120] –[0127] and [0003]-[0010]). This

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page generation operability provides Battilega et al with functionality such that the suggestions and manipulations of the consultant might directly be implemented. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 89 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme and Lambert et al as applied to claim 81 above, and further in light of the unchallenged notice with respect to the fact that one of ordinary skill in the art at the time of invention would obviously know to employ the well know features of a print function, a help function with technical terms and a downloading function. These function would allow Battilega to provide the client with functionality such the ease of use of the software and its robust nature is increased. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert and a print, help and download function where there was a need to provide consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and that structure was such that it required skill and versatility to be used optimally. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Claim 90 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al and Thieme and Lambert et al as applied to claim 81 above, and further Lambert shows said code further comprises instructions for restricting access to only those services for which said client has subscribed with said consultant through the redirection process such that there are restrictions with respect to clients, users

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and spiders such that the appropriate website are presented for the current visitor; further, the administrator can create user/passwords such that users can be specific targeted and allowed ([0151]-[0175] and [0003]-[0010]). This control over access providing the platform of Battilega et al with the functionality for the consultant and client to directly implement stratagems with respect to access to the various relevant websites; further it would allow the restriction of access to certain pages and consultations which the client is not subscribed to. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert where there was a need to provide subscription based consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof—this consultation being accessible at a price.

Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al., (EP 1 158 439) in view of Thieme, (US Pub No. 2003/0046389), and further in view of Lambert, (US Pub. No. 2002/0038350) and Cross Browser Layers, Part One (2001) by Budi Kurniawan (Kurniawan).

Claim 76 rejected under 35 U.S.C. 103(a) as being unpatentable over Battilega et al, Thieme, Lambert et al and RFC 2109 as applied to claim 74 above, and in further light of Kurniawan. Lambert et al shows *accessing pages consulted by Internet users* by way of its technique whereby said pages are modified and generated such they are optimized for search retrieval and viewing by the user (abstract, [0003]-[0014]). Further, Kurniawan shows the operability of checking *browser or navigation type used by Internet users on a website*, said information being operable to being retrieved and displayed (pages 1 and 2). This additional operability would provide Battilega et al a consultation environment wherein the consultation with respect to the client might access the webpage under consideration and see what web browsers it is compatible with. Therefore, it would have been obvious to one of ordinary skill in the art to augment the website consultant system of Battilega et al with the search engine optimizer of the Lambert, the cookies of RFC 2109 and the browser detection of Kurniawan where there was a need to provide

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consultation with respect to the structure and marketing of a webpage such that it would be returned more as a search result and such that said consultation could be directly implemented with respect to the webpage. This functionality would enhance Battilega et al such that the consultant could provide the client with concrete data relating to the structure and marketing of a webpage and thereby advise the client of the implications thereof.

Allowable Subject Matter

Claim 70 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose "Wherein said code further comprises instructions for reading the content of said website; reading the content of said website;

generating URL addresses for all pages of said website;

associating, for each URL address, a title, key words, a description, a detailed description and a TAG to provide associated data;

generating an XML document including said associated data;

integrating an anti-spam filter to adapt said XML document to a plurality of search tools; and

directly submitting said associated data formatted in XML language to be read by a spider of each of said plurality of search tools, thereby permitting indexation of said associated data contained in said XML document to be published in said lists of results" in conjunction with other elements of the independent claims would not found anticipated or obvious over the prior art made of record.

Response to Arguments

Preliminary Amendment

Applicant's arguments, filed 03/06/2008, with respect to the pending claim(s) have been fully considered but, have been found persuasive only to the extent that the prior art of record does not specifically disclose "wherein said code further comprises a visibility module comprising instructions for analyzing the visibility of a website in the Internet to provide a visibility data, wherein the visibility of said website is the rate of appearance or classification of said website in a list of results proposed by a search tool in response to a keyword". However, Thieme discloses such limitations.

CONTACT INFORMATION

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is 571-272-4035. The examiner can normally be reached on 7:05 to 4:35.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JEAN B. FLEURANTIN/

Primary Examiner, Art Unit 2162